

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

LARRY JOE COLLINS,

Petitioner,

v.

J.T. WATSON, Warden,

Respondent.

No.: 1:20-CV-349-CLC-CHS

MEMORANDUM OPINION

Petitioner, a federal inmate housed at the United States Penitentiary, Florence High, in Florence, Colorado, has filed a petition for relief pursuant to 28 U.S.C. § 2241 seeking release from imprisonment due to the global coronavirus pandemic [Doc. 2]. Having considered the petition and applicable law, the Court finds this action should be transferred.

Under 28 U.S.C. § 2242, a habeas petition shall name as the respondent “the person who has custody over” the petitioner. 28 U.S.C. § 2242. Therefore, a § 2241 petition must be filed in the district having jurisdiction over the petitioner’s custodian. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). Jurisdiction attaches at the time the § 2241 petition is filed. *See White v. Lamanna*, 42 F. App’x 670, 671 (6th Cir. 2002). At the time he filed the instant petition, Petitioner was (and remains) incarcerated at the United States Penitentiary, Florence High, which is in Fremont County, Colorado. As this Court does not have jurisdiction over Petitioner’s current custodian in Colorado, it thus lacks jurisdiction to consider this petition.

Instead, jurisdiction lies in the United States District Court for the District of Colorado, *see* 28 U.S.C. § 85(b), and the Court finds that the interests of justice require that this action be

transferred to that District. *See* 28 U.S.C. § 1631 (“Whenever a civil action is filed in a court . . . and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed[.]”).

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this entire action to the United States District Court for the District of Colorado for further disposition.

AN APPROPRIATE ORDER WILL ENTER.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE